MONTANA LEGISLATIVE HISTORY

Chapter 152 ~~19~~ 2001

Bill H 329 S _____ Original bill & history ✓ C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	1/29	✓ C	Hearing Date(s)	3/7	✓ C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/28	Revised Fiscal Note Printed		
3/28	Committee Executive Action--Bill Concurred as Amended	8	2
3/28	Committee Report--Bill Concurred as Amended		
3/30	2nd Reading Concurred	31	18
3/31	3rd Reading Concurred	36	13
	Returned to House with Amendments		
4/09	2nd Reading Senate Amendments Not Concurred	94	5
4/09	Conference Committee Appointed		
4/10	Conference Committee Appointed		
4/12	Hearing		
4/13	Conference Committee Report Received		
4/13	Conference Committee Report Received		
4/17	2nd Reading Conference Committee Report Adopted on Voice Vote	48	0
4/18	2nd Reading Conference Committee Report Adopted	87	12
4/18	3rd Reading Conference Committee Report Adopted	45	4
4/19	3rd Reading Conference Committee Report Adopted	64	36
4/19	Sent to Enrolling		
4/20	Returned from Enrolling		
4/20	Signed by Speaker		
4/20	Signed by President		
4/21	Transmitted to Governor		
5/01	Signed by Governor		
5/01	Chapter Number Assigned		
	Chapter Number 505		
	Effective Date: 7/01/2002 - All Sections		

HB 325 Introduced by Laible *LC1562 Drafter: Sternberg*

Revise Definition of Sailboat

1/11	Fiscal Note Needed		
1/17	Introduced		
1/17	Referred to Fish, Wildlife and Parks		
1/17	Fiscal Note Requested		
1/23	Fiscal Note Received		
1/25	Hearing		
1/25	Committee Executive Action--Bill Passed	19	1
1/26	Committee Report--Bill Passed		
1/29	Fiscal Note Printed		
2/01	2nd Reading Passed	100	0
2/02	3rd Reading Passed	98	2
	Transmitted to Senate		
2/05	Referred to Fish and Game		
2/13	Hearing		
2/16	Committee Executive Action--Bill Concurred	9	0
2/17	Committee Report--Bill Concurred		
3/02	2nd Reading Concurred	43	4
3/03	3rd Reading Concurred	39	4
	Returned to House		
3/05	Sent to Enrolling		
3/05	Returned from Enrolling		
3/07	Signed by Speaker		
3/07	Signed by President		
3/07	Transmitted to Governor		
3/16	Signed by Governor		
3/16	Chapter Number Assigned		
	Chapter Number 55		
	Effective Date: 10/01/2001 - All Sections		

HB 326 Introduced by Galvin-Halcro *LC1535 Drafter: Petesch*

Revise Election Laws -- Nomination for Only One Party

1/17	Introduced		
1/17	Referred to State Administration		
1/17	Fiscal Note Requested		
1/19	Fiscal Note Received		
1/19	Fiscal Note Printed		
1/25	Hearing		
1/31	Committee Executive Action--Bill Passed as Amended	15	3
2/01	Committee Report--Bill Passed as Amended		
2/02	2nd Reading Passed	96	4
2/03	3rd Reading Passed	95	4
	Transmitted to Senate		
2/06	Referred to State Administration		
3/01	Hearing		
3/05	Tabled in Committee		
	Died in Standing Committee		

HB 327 Introduced by Waddill *LC1320 Drafter: Petesch*

Guaranteeing Access to Property Blocked by Other Property

1/17	Introduced		
1/17	Referred to Natural Resources		
1/29	Hearing		
2/02	Tabled in Committee		
2/23	Missed Deadline for General Bill Transmittal		

HB 328 Introduced by Somerville *LC0417 Drafter: Heiman*

Remove Termination Date on Qualified Endowment Tax Credit

1/17	Introduced		
1/17	Referred to Taxation		
1/17	Fiscal Note Requested		
1/23	Fiscal Note Received		
1/25	Fiscal Note Printed		
1/26	Hearing		
3/06	Tabled in Committee		
3/29	Missed Deadline for Revenue Bill Transmittal		

HB 329 Introduced by Somerville *LC1467 Drafter: MacMaster*

Clarify Applicability of Registration of Sexual and Violent Offenders

1/17	Introduced		
1/17	Referred to Judiciary		
1/29	Hearing		
1/29	Committee Executive Action--Bill Passed	18	2
1/29	Committee Report--Bill Passed		
2/01	2nd Reading Passed	81	19
2/02	3rd Reading Passed	86	14
	Transmitted to Senate		
2/05	Referred to Judiciary		
3/07	Hearing		
3/07	Committee Executive Action--Bill Concurred	9	0
3/07	Committee Report--Bill Concurred		
3/10	2nd Reading Concurred on Voice Vote	39	0

3/12	3rd Reading Concurred	49	0
	Returned to House		
3/13	Sent to Enrolling		
3/13	Returned from Enrolling		
3/14	Signed by Speaker		
3/19	Signed by President		
3/19	Transmitted to Governor		
3/29	Signed by Governor		
3/29	Chapter Number Assigned		
	Chapter Number 152		
	Effective Date: 3/29/2001 - All Sections		

HB 330 Introduced by Golie *LC0620 Drafter: Heiman*

Tax Credit for Higher Education Expenses

11/24	Fiscal Note Needed		
1/17	Introduced		
1/17	Referred to Taxation		
1/17	Fiscal Note Requested		
1/22	Fiscal Note Received		
1/22	Fiscal Note Printed		
1/25	Hearing		
3/06	Tabled in Committee		
3/29	Missed Deadline for Revenue Bill Transmittal		

HB 331 Introduced by Eggers, et al. *LC1116 Drafter: Lane*

Criminal Offense of Theft of Identity

By Request of Attorney General

1/18	Introduced		
1/18	Referred to Judiciary		
1/31	Hearing		
2/08	Committee Executive Action--Bill Passed as Amended	20	0
2/09	Committee Report--Bill Passed as Amended		
2/14	2nd Reading Passed	99	1
2/15	3rd Reading Passed	100	0
	Transmitted to Senate		
2/21	Referred to Judiciary		
3/09	Hearing		
3/09	Committee Executive Action--Bill Concurred as Amended	8	0
3/09	Committee Report--Bill Concurred as Amended		
3/13	2nd Reading Concurred on Voice Vote	50	0
3/14	3rd Reading Concurred	50	0
	Returned to House with Amendments		
4/11	2nd Reading Senate Amendments Concurred	99	0
4/12	3rd Reading Passed as Amended by Senate	100	0
4/12	Sent to Enrolling		
4/13	Returned from Enrolling		
4/17	Signed by Speaker		
4/19	Signed by President		
4/19	Transmitted to Governor		
4/26	Signed by Governor		
4/26	Chapter Number Assigned		
	Chapter Number 378		
	Effective Date: 10/01/2001 - All Sections		

HB 332 Introduced by Dale, et al. *LC1057 Drafter: Mitchell*

Revise Underground Storage Tank Inspection Laws

1/18	Introduced		
1/18	Referred to Natural Resources		
2/09	Hearing		
2/15	Committee Executive Action--Bill Passed	20	0
2/15	Committee Report--Bill Passed		
2/17	2nd Reading Passed	100	0
2/19	3rd Reading Passed	97	0
	Transmitted to Senate		
2/28	Referred to Natural Resources		
3/07	Hearing		
3/26	Committee Executive Action--Bill Concurred	7	0
3/26	Committee Report--Bill Concurred		
3/27	2nd Reading Concurred on Voice Vote	47	0
3/28	3rd Reading Concurred	45	3
	Returned to House		
3/28	Sent to Enrolling		
3/29	Returned from Enrolling		
3/31	Signed by Speaker		
4/06	Signed by President		
4/06	Transmitted to Governor		
4/16	Signed by Governor		
4/16	Chapter Number Assigned		
	Chapter Number 244		
	Effective Date: 4/16/2001 - All Sections		

HB 333 Introduced by Jent *LC1169 Drafter: McClure*

Work Comp Attorney Fees for Improperly Denied Medical Benefit

1/18	Introduced		
1/18	Referred to Business and Labor		
1/18	Fiscal Note Requested		
1/23	Hearing		
1/25	Fiscal Note Received		
1/25	Committee Executive Action--Bill Passed as Amended	14	5
1/25	Committee Report--Bill Passed as Amended	14	5
1/29	Fiscal Note Printed		
1/31	Revised Fiscal Note Signed		
2/06	Revised Fiscal Note Received		
2/08	Fiscal Note Printed		
2/20	2nd Reading Passed as Amended	63	37
2/22	3rd Reading Passed	67	32
	Transmitted to Senate		
2/28	Referred to Business and Labor		
3/21	Hearing		
3/22	Tabled in Committee		
	Died in Standing Committee		

HB 334 Introduced by Lenhart, et al. *LC1343 Drafter: Mitchell*

Revise Law on Type of Project Eligible for Water Pollution Control Funds

1/18	Introduced		
1/18	Referred to Natural Resources		
2/14	Hearing		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on January 29, 2001 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HB 323 - 1-22-01**
HB 329 - 1-22-01

H BILL NO. 329

INTRODUCED BY SOMERVILLE
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE REGISTRATION REQUIREMENTS FOR SEXUAL OFFENDERS AND VIOLENT OFFENDERS APPLY TO OFFENDERS SENTENCED IN ANOTHER STATE AND TO OFFENDERS WHO ARE UNDER THE SUPERVISION OF AN ENTITY IN ANOTHER STATE WHEN THOSE OFFENDERS ARE IN MONTANA; AMENDING SECTION 18, CHAPTER 375, LAWS OF 1997; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND RETROACTIVE APPLICABILITY DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18, Chapter 375, Laws of 1997, is amended to read:

"Section 18. ~~Applicability~~ Retroactive applicability. The provisions of Title 46, chapter 23, part 5, and of [this act] relating to registration apply retroactively, within the meaning of 1-2-109, to:

(1) sexual offenders ~~who are sentenced or who are in the custody or under the supervision of the department of corrections~~ who are sentenced by a state or federal court in any state on or after July 1, 1989, or who as a result of a sentence are under the supervision of a county, state, or federal agency in any state on or after July 1, 1989; and

(2) violent offenders ~~who are sentenced or who are in the custody or under the supervision of the department of corrections~~ who are sentenced by a state or federal court in any state on or after October 1, 1995, or who as a result of a sentence are under the supervision of a county, state, or federal agency in any state on or after October 1, 1995."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

- END -

Harris Himes, Pastor and Attorney, Hamilton

Shannon Bennett, Hamilton

Larry Chambers, Helena

Questions from Committee Members and Responses: Reps. Gutsche, Newman, Mangan, Gallus, Hurdle, Laszloffy, Harris, Peterson, Curtiss, Adams, Clark, Shockley to Ms. Franz, Rep. Facey, Mr. Himes, Mr. Olson, Dr. Wise, Ms. Bucy, Ms. Millam.

Rep. Thomas requested Rep. Facey, Sponsor, to attach a family impact statement to this Bill.

{Tape : 1; Side : B; Approx. Time Counter : 9.4 - 28.6}
{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 29.4}
{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 12.2}

Closing by Sponsor: Rep. Facey closed the Hearing on HB 323.

{Tape : 2; Side : B; Approx. Time Counter : 12.2 - 19.0}

HEARING ON HB 329

Sponsor: Rep. Roger Somerville, HD 78, Kalispell said this Bill is a housekeeping bill and will require registration of anyone convicted of sexual crimes, or imprisoned for sexual crimes, or under supervision for sexual crimes in any state, country or federal agency, on or after July 1, 1989. This also includes Tribal because they are considered federal agencies.

The same thing will apply to violent offenders but has a later date. The language applies on October 1, 1995.

Proponents: Pam Bucy, Assistant Attorney General, EXHIBIT(juh23a05)

Dave Ohler, Chief Legal Counsel, Department of Corrections.

Tom Corbett, Deputy Chief, U.S. Probation

Opponents: None

Questions from Committee Members and Responses: Reps. Noennig, Adams to Ms. Bucy, Mr. Ohler, Mr. MacMaster, Rep. Somerville.

{Tape : 2; Side : B; Approx. Time Counter : 18.6 - 29.0}

Closing by Sponsor: **Rep. Somerville closed the Hearing on HB 329**

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 6.6}

EXECUTIVE ACTION ON HB 329

Motion: **REP. YOUNKIN** moved that **HB 329 DO PASS. #1**

Discussion: **Reps. Noennig, Harris, Hurdle, Clark, Newman, Laszloffy, Wolery to Mr. MacMaster** for explanation.

Vote: **Motion #1 carried 18-2 with Reps. Laszloffy and Harris voting no.**

EXECUTIVE ACTION ON HB 189

Motion: **REP. EGGERS** moved that **HB 189 DO PASS. #2**

Discussion: **Reps. Eggers, EXHIBIT(juh23a06)**

{Tape : 3; Side : A; Approx. Time Counter : 6.6 - 29.5}

Motion: **REP. EGGERS** moved that **HB 189 BE AMENDED to extend the effective date to September 1. #3**

Discussion: Rep. Peterson.

Motion: **REP. EGGERS** moved that **HB 189 BE AMENDED. HB018901 #4**

Motion/Vote: **REP. EGGERS** moved a substitute amendment that **the effective date will be October 1, 2001. #5. Motion carried unanimously. 20-0.**

Discussion: **Reps. Eggers, Newman, Mangan, Peterson, Hurdle, Clancy, Wolery, Laszloffy, Shockley.**

Vote: **Motion #4 carried 12-8 with Reps. Clark, Adams, Clancy, Curtiss, Holden, Rice, Thomas and Wolery voting no.**

Motion: **REP. MANGAN** moved that **HB 189 DO PASS AS AMENDED. #6**

Motion: **REP. LASZLOFFY** moved that **HB 189 BE AMENDED. #7. EXHIBIT(juh23a07)**

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on March 7, 2001 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Walter McNutt (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Cecile Tropila, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 317, HB 263, HB 157
3/1/2001
Executive Action: HB 263, HB 329, HB 157, HB 119, HB 184, HB 224, HB 317

HEARING ON HB 317

Sponsor: **REP. KEN PETERSON, HD 20, BILLINGS**

Proponents: **Pam Bucy, Assistant Attorney General**
Bert Obert, Colonel MT. Highway Patrol
Scott Wyckman, Justice of Peace, Gallatin County

HEARING ON HB 329

Sponsor: **REP. ROGER SOMERVILLE, HD 78, KALISPELL**

Proponents: **Pam Bucy, Assistant Attorney General**
Dave Ohler, Chief Legal Counsel, Department of Corrections

Opponents: **None**

Opening Statement by Sponsor:

REP. ROGER SOMERVILLE, HD 78, KALISPELL, explained the bill and said it would clear up loopholes on registration laws pertaining to sexual and violent offenders. He mentioned wherever these people registered, they need to be registered in the state of Montana and he explicated the effective date and why they need to register to be properly tracked for the law enforcement officials and parents in these areas, who worry about their children.

Proponents' Testimony:

Pam Bucy, Assistant Attorney General, handed out a letter **EXHIBIT(4)** and information clarifying registration requirements **EXHIBIT(5)**. She explained the registry and talked about violent offenders versus sex offenders. She clarified the applicability clause this bill would ensure. She referred to incidences with sex offenders and violent offenders and how these offenders need to be registered.

Dave Ohler, Chief Legal Counsel, Department of Corrections, said the department is in support of this bill and asked for a do concur motion from the committee.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. O'NEIL asked if this bill would apply to sex offenders or violent offenders from out of the country. **REP. SOMERVILLE** said yes, this bill would require any offender to be registered within this state.

SEN. O'NEIL asked if the bill should be amended to add more territories. **REP. SOMERVILLE** felt if the offenders were under jurisdiction the territories would be added. **Pam Bucy** said these

territories are included and it is included under the federal definitions with the Sex and Violent Registration Act.

Closing by Sponsor:

REP. ROGER SOMERVILLE, HD 78, KALISPELL, summarized the need for this bill and urged the committee's support.

EXECUTIVE ACTION ON HB 329

Motion/Vote: **SEN. DOHERTY** moved **HB 329 BE CONCURRED IN. Motion carried unanimously.**

HEARING ON HB 157

Sponsor: **REP. STEVE GALLUS, HD 35, BUTTE**

Proponents: **Mike Mahoney, Worden, MT State Prison**
Mike Micu, Investigator, Dept. of Corrections
Inga Nelson, MEA-MFT

Opponents: **None**

Opening Statement by Sponsor:

REP. STEVE GALLUS, HD 35, BUTTE, introduced the bill and explained how it dealt with contraband of cigarettes and cash within the state's prison system. He stated these contrabands impose serious threats to the staff and the overall operation of the correctional facilities. This bill would make it a felony for the offenders in possession and an amendment was drafted to clear up language in the bill.

Proponents' Testimony:

Mike Mahoney, Worden, MT State Prison, talked about key elements in the bill referencing how individuals are charged in violation of 45-7-307. He said the intent of this legislation is to prove a deterrent to the individuals, who are inclined to engage in behavior of this nature. He explained that prison and department staff spend a considerable amount of time identifying, confronting and addressing these behaviors.

{Tape 2; Side A}